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Of Attorneys for Defendant Keystone RV Company

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**CHRISTOPHER E. GRAY** and  
**KIMBERLY R. GRAY**, husband and wife,

Plaintiffs,

v.

**KEYSTONE RV COMPANY**, a Delaware  
corporation; **BEST RV CENTER**, a  
California corporation, and **DOES 1**  
**through 50**,

Defendants.

Case No. 6:22-cv-00709

**NOTICE OF REMOVAL OF CIVIL  
ACTION**

(28 U.S.C. §§ 1331, 1332, 1367, and  
1441)

(Federal Question)

(Diversity Jurisdiction)

(Supplemental Jurisdiction)

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
OF OREGON, EUGENE DIVISION:**

PLEASE TAKE NOTICE that Defendant Keystone RV Company ("Keystone RV")  
petitions the Court for removal of this action from Coos County Circuit Court of the State of  
Oregon, where it is currently pending, to the United States District Court for the District of  
Oregon, Eugene Division. This Notice is submitted pursuant to 28 U.S.C. §§ 1331, 1332,  
1367 and 1441.

As grounds for removal, Keystone RV states as follows:

**NOTICE OF REMOVAL IS TIMELY**

1. On or about March 24, 2022, Plaintiffs Christopher E. Gray and Kimberly R. Gray ("Plaintiffs") filed a complaint against Keystone RV and others in the Coos County Circuit Court of the State of Oregon entitled *Christopher E. Gray and Kimberly R. Gray v. Keystone RV Company, Best RV Center, and Does 1 through 50*, Case No. 22CV10237. A copy of the complaint is attached as part of Exhibit A to this Notice. In the complaint, Plaintiffs seek relief under Strict Products Liability, Negligence, Breach of Contract, Unjust Enrichment, Breach of Implied Warranty, the Unfair Trade Practices Act, and the Magnuson-Moss Warranty Act.

2. On or about April 13, 2022, Plaintiffs served a summons and the complaint on Keystone RV. A copy of the summons and complaint is attached as Exhibit A, pursuant to 28 U.S.C. § 1446(a). Exhibit A consists of all process, pleadings, and orders that Keystone RV received from Plaintiffs in this action as of the date of this Notice.

3. Pursuant to 28 U.S.C. § 1446(b), Keystone RV filed the Notice of Removal within thirty (30) days of service of the Plaintiffs' complaint.

4. Keystone RV conferred with Defendant Best RV Center about this notice of removal and Best RV Center has no objection to this removal.

**JURISDICTIONAL BASIS FOR REMOVAL – FEDERAL QUESTION**

5. The Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 due to Plaintiffs' claim that Keystone RV violated the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301 *et seq.* Plaintiffs' claim exceeds the amount in controversy limit of \$50,000. 15 U.S.C. § 2310(d)(3)(B).

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**ADDITIONAL BASIS FOR REMOVAL – DIVERSITY JURISDICTION**

6. Pursuant to 28 U.S.C. §§ 1332 and 1441, the United States District Court for the District of Oregon also has diversity jurisdiction; therefore, it has original jurisdiction over this action for the following reasons:

a. This is a civil action.

b. Plaintiffs seek damages of \$770,000, excluding interest and costs.

c. Based on Plaintiffs’ complaint allegations, Plaintiffs were, at all material times, citizens of the state of Oregon. Plaintiffs’ domicile—or permanent residence—is in Coos County, Oregon.

d. Keystone RV was, at all material times, a citizen of the state of Delaware. From the date this action commenced through the present, Keystone RV was a corporation incorporated under the laws of Delaware, with its principal place of business in Goshen, Indiana.

e. Best RV Center is incorporated in California and its principal place of business is in California as well.

7. There is complete diversity of citizenship among the parties.

**SUPPLEMENTAL JURISDICTION APPLIES TO STATE LAW CLAIMS**

8. Pursuant to 28 U.S.C. § 1367, the Court has supplemental jurisdiction over all of Plaintiffs’ Oregon state law claims because the claims are so related to the claims in this action within the Court’s original jurisdiction that they “form part of the same case or controversy under Article III of the United States Constitution.”

9. Moreover, none of the bases by which the Court may decline to exercise supplemental jurisdiction over Plaintiffs’ state law claims applies here: 1) the state law claims do not raise a novel or complex issue of Oregon law; 2) the state law claims do not substantially predominate over the federal question claim; 3) the district court has not

dismissed all claims over which it has original jurisdiction; and 4) no other compelling reasons or exceptional circumstances apply.

**REMOVAL TO THIS DISTRICT AND DIVISION IS PROPER**

10. Pursuant to 28 U.S.C. §§ 1331 and 1441, removal of the above-captioned state court action to this Court is appropriate.

11. This Court is the District Court of the United States for the district and division embracing the place where the state court action is currently pending and is, therefore, the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

**NOTICE TO ADVERSE PARTIES AND STATE COURT**

12. Pursuant to 28 U.S.C. § 1446(d), Keystone RV is filing a copy of this Notice of Removal with the Clerk of the Coos County Circuit Court of the State of Oregon where the action is currently pending. Keystone RV is also providing written notice to Plaintiffs, by and through their attorney of record.

**NON-WAIVER OF DEFENSES**

13. By filing this Notice of Removal, Keystone RV does not intend to file an answer or first appearance, or otherwise waive any defenses available to it or admit any of the allegations in Plaintiffs' complaint. Further, Keystone RV reserves the right to amend or supplement this Notice of Removal.

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WHEREFORE, Defendant Keystone RV requests that the above-captioned action, now pending against it in the Coos County Circuit Court of the State of Oregon, be removed to the United States District Court for the District of Oregon, Eugene Division.

Respectfully submitted this 13<sup>th</sup> day of May, 2022.

**BODYFELT MOUNT LLP**

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Of Attorneys for Defendant Keystone RV Company

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** on the following attorneys on the date noted below via the following method:

Timothy I. Crawley  
Crawley LLP  
P.O. Box 8931  
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*Of Attorneys for Plaintiffs*

Method: ☐ US Mail, postage prepaid  
☒ Email – Courtesy Copy  
☐ Facsimile  
☐ Hand Delivery  
☒ CM/ECF Electronic Service

Dated this 13<sup>th</sup> day of May, 2022.

BY: s/ Vicki M. Smith

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